

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JANELLE MARTINEZ,

Plaintiff,

vs.

FOCUS RECEIVABLES
MANAGEMENT, LLC, RANDY
WILLIAMS, BRIAN DOOLEY and
JASON KIRKPATRICK, in their
individual capacities,

Defendants.

No. 1:12-cv-01328-PJK-ACT

ORDER

THIS MATTER came on for consideration of Defendants' Motion to Partially Dismiss Plaintiff's Complaint filed February 25, 2013. Doc. 17. Plaintiff has not filed a timely response, nor has the court been alerted to any agreed extension. See D.N.M. LR-Civ. 7.4(a). In accordance with D.N.M. LR-Civ. 7.1(b), the failure to file a response brief in opposition constitutes consent to grant the motion.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED and DECREED that:

(1) Defendants' Motion to Partially Dismiss Plaintiff's Complaint filed February 25, 2013 is granted;

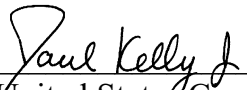
(2) Counts I (federal discrimination) and II (federal retaliation) of the Complaint (Doc. 1) are dismissed against the individual Defendants Randy Williams, Brian Dooley, and Jason Kirkpatrick with prejudice;

(3) Count III (assault and intentional infliction of emotional distress (IIED)) of the Complaint is dismissed against the individual Defendant Randy Williams with prejudice;

(4) Individual Defendant Randy Williams is dismissed as a party-defendant with prejudice; and

(5) The IIED claim contained in Count III is dismissed with prejudice.

DATED this 5th day of April 2013, at Santa Fe, New Mexico.



United States Circuit Judge
Sitting by Designation